

Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, January 25, 2007 - 7:00 p.m.

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OPENING OF SESSION BY: COUNCIL PRESIDENT LEO R. PIMENTAL

PRAYER LED BY: REVEREND BERES, PASTOR

FIRST CONGREGATIONAL CHURCH AT LUND'S CORNER

PLEDGE OF ALLEGIANCE LED BY: COUNCILLOR WARD ONE LINDA M. MORAD

RESOLUTIONS

1. RESOLUTION, Councillors Pimental, DeMedeiros, Morad and Pina, honoring PAULA BENEDETTI, KEITH MIDDLE SCHOOL LIAISON.
2. RESOLUTION, Councillor Coelho, honoring JOE JESUS for HIS COMMITMENT TO DOWNTOWN NEW BEDFORD.
3. RESOLUTION, Councillors Pimental, DeMedeiros, Morad and Gonsalves, honoring CAROL ROY on her 40 YEARS OF DEDICATED SERVICE TO THE CITY OF NEW BEDFORD'S ASSESSORS OFFICE.
4. RESOLUTION, Councillors Pimental, JOSEPH ABBODD MANUFACTURING, honoring them for THEIR CONTRIBUTIONS TO THE CITY OF NEW BEDFORD.

HEARINGS

5. HEARING, on Petition of NSTAR Electric Company (formerly Com/Electric Company,) for location of one (1) 4' conduit, five (5) 4" conduits and one (1) handhole in CLINTON STREET, West of Orchard Street.

5a. AN ORDER,

6. HEARING, on Petition of Verizon New England, Inc., and NSTAR Electric Company (formerly Com/Electric Company) for location of two (2) Jointly-Owned Poles in COLLETTE STREET, North of Smith Street.

6a. AN ORDER,

MAYORS PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JOHN R. ZAKIAN, 3598 Acushnet Avenue, as a MEMBER OF THE AIRPORT COMMISSION, for a three-year term, which will expire December 2009. This appointment will replace John A. Oliveira whose term expired December 2006, and who resigned on January 08, 2007.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting for information, the resignation of JOHN A. OLIVEIRA, 345 Brownell Avenue, New Bedford, MA 02740, from THE AIRPORT COMMISSION, effective January 08, 2007.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting for information, the resignation of JOHN F. X. O'TOOLE, 1245 East Rodney French Boulevard, New Bedford, MA 02744, from THE CONSERVATION COMMISSION, effective January 03, 2007.

M4. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of NORMAND G. AUDETTE, 61 Carlisle Street, New Bedford, MA, as ACTING TAX COLLECTOR/TREASURER, effective January 07, 2007.

M4a. ANNUAL BOND for 2007 for the Acting Tax Collector/Treasurer in the amount of \$350,000.00.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of RONALD A. DURGIN as COMMISSIONER OF INSPECTIONAL SERVICES, effective January 28, 2007, at a salary of \$68,279.

M6. COMMUNICATION, Mayor Lang, to City Council, submitting a request for WAIVER OF

RESIDENCY for MS. ANA ROSA, 52 BUTTONWOOD ROAD, DARTMOUTH, MA 02748, as ASSISTANT CIVIL ENGINEER in the Engineering Division of the Department of Public Infrastructure.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting list of 7 PARAMEDICS for confirmation as “PARAMEDIC-INTERMITTENT;” also requesting RESIDENCY WAIVERS on 4 as follows:

Kevin Lent 353 Shaw Street New Bedford, MA 02745
Gillian Sampson 291 Pope Street New Bedford, MA 02740
Jason Silva 177 Bolton Street New Bedford, MA 02744
Sean Keener 31 Buena Vista Avenue Assonet, MA 02702 (Waiver Requested)
Steven Hierholcher 60 Cyprus Road South Dennis, MA (Waiver Requested)
Michael Gillis 71 Pond Road Duxbury, MA 02332 (Waiver Requested)
John Moss 267 Wood Street Bristol, RI 02809 (Waiver Requested)

M8. COMMUNICATION, MAYOR LANG, TO CITY COUNCIL, submitting list of individuals for CONFIRMATION as NEW BEDFORD POLICE OFFICERS by the City Council, pending successful completion of the Police Academy and their Graduation on February 17, 2007, as follows:

Robert C. Da Cunha 138 Jenny Lind Street New Bedford, MA
Julio R. Martinez 461C Maxfield Street New Bedford, MA
Kenneth Mendes 262 Bates Street #1 New Bedford, MA
Paul Lagoa 1168 Joyce Street New Bedford, MA
Luis S. Melendez 990 Rockdale Avenue New Bedford, MA
Andrew H. Ryder 85 Upton Street New Bedford, MA
Scott Conceicao 979 May Street New Bedford, MA
Michael A. Lopes 8 Glover Street New Bedford, MA
Jason X. Silveira 41 Emerson Street #3 New Bedford, MA
Thomas Chevalier 59 Thomas Street New Bedford, MA
Jonathan Lagoa 1168 Joyce Street New Bedford, MA

M9. COMMUNICATION, Mayor Lang, submitting the REAPPOINTMENT as a SPECIAL POLICE OFFICER, DAVID M. SIMOES, 20 Monica Way, New Bedford, MA 02745.

M9a. APPLICATION

M10. COMMUNICATION, Mayor Lang, submitting the REAPPOINTMENT as a SPECIAL POLICE OFFICER, MICHAEL J. VIEIRA, 11 Fairhaven Road, Mattapoisett, MA 02739.

M10a. APPLICATION

NEW BUSINESS

7. AN ORDINANCE, Amending Chapter 19, Article I, Section 19-7 (c) (Unit C Salary Schedule,) adding two (2) new rates/Grades, M16 and M17, and reclassifying the position of Chief Financial Officer to Grade M17. (Passed to a Second Reading December 21, 2006, to be Passed, to be Ordained.)

8. AN ORDINANCE, Amending Chapter 17, Section 17-18 (j) Non-criminal Disposition of Violations of Certain Ordinances, Rules, Regulations (smoking), amending Tobacco Control Regulation Ordinances (3.) (Passed to a Second Reading December 21, 2006, to be Passed, to be Ordained.)

9. AN ORDINANCE, Amending Chapter 9, Relative to Body Art Establishments (tattoo parlors.) (Passed to a Second Reading December 21, 2006, to be Passed, to be Ordained.)

10. LOAN ORDER, Ordered, that the Order of the City Council approved by the Mayor on May 16, 2002, authorizing a \$17,000,000 borrowing for the Elizabeth C. Brooks Elementary School project is hereby amended to read as follows: “ORDERED, that \$21,766,800 is appropriated for constructing, equipping and furnishing a new ELIZABETH C. BROOKS ELEMENTARY SCHOOL; that to meet this appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$21,766,800 under Chapter 44, §7(3) of the General Laws or any other enabling authority; that the Mayor is authorized to contract for and expend any aid from the Massachusetts School Building Authority for the project, provided, however, that the amount of the authorized borrowing shall be reduced by the amount of any such aid received by the City prior to the issuance of bonds or notes; and that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.” (Passed to a Second Reading December 21, 2006.)

11. LOAN ORDER, ORDERED, that the Order of the City Council approved by the Mayor on May 16, 2002, authorizing a \$20,600,000 borrowing for the Abraham Lincoln Elementary School project is hereby amended to read as follows: “ORDERED, that \$26,105,200 is appropriated for constructing, equipping and furnishing a new ABRAHAM LINCOLN ELEMENTARY SCHOOL; that to meet this appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$26,105,200 under Chapter 44, §7(3) of the General Laws or any other enabling authority; that the Mayor is authorized to contract for and expend any aid from the Massachusetts School Building Authority for the project, provided, however, that the amount of the authorized borrowing shall be reduced by the amount of any such aid received by the City prior to the issuance of bonds or notes hereunder; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.” (Passed to a Second Reading December 21, 2006.)

12. WRITTEN MOTION, Councillor Alves, asking that the City Council seek the support of the Mayor in supporting the effort by the Massachusetts Motorcycle Association to place a framed yellow/black plastic “Check Twice” sign at the intersection of Route 6 and at the exit of Route 140 on the Buttonwood Park corner during the State’s Motorcycle Safety Awareness Period, in an effort to reduce accidents, encourage motorcycle safety in our community and make local drivers aware that motorcycles are everywhere.

13. WRITTEN MOTION, Councillor Alves, asking that the City Council request the Mayor and the Police Chief to appoint Captain Spirlet, or someone from the Police Department Staff of their choice, to serve as a Public Safety Official to work with the Massachusetts Motorcycle Association to coordinate their “Save a Life, Motorcycles are Everywhere” Campaign during the State’s Motorcycle Safety Awareness period, the last week of March, through the last week of April.

14. WRITTEN MOTION, Councillor Alves, requesting that the City Council ask Mayor Lang to issue a PROCLAMATION supporting the Massachusetts Motorcycle Association’s “Save a Life, Motorcycles are Everywhere” Campaign and declare the period of the last week of March, through the last week of April as “Motorcycle Safety Awareness Month.”

15. COMMUNICATION, Paul W. Cote, Massachusetts Motorcycle Association, to City Clerk, requesting assistance with the Motorcycle Safety Awareness Period, a volunteer project. (Copy all Councillors 01/18/07 – NOTE: Communication inserted in Agenda due to Motions submitted by Councillor Alves pertaining to same matter.)

16. WRITTEN MOTION, Councillor Alves, requesting that the City Council’s Legal Counsel review the current City Ordinance, Section 23-23. Heavy truck parking in residential zone, of the City Code, and seek to eliminate the ambiguity in reference therein to the “Red Book,” published by the National Market Reports of specifications obtained directly from the manufacturer,” in that neither the Police Department nor the City’s Law Department have knowledge/possession of, or access to, and which would be needed in order to enforce the said Ordinance. (Copy of Ordinance Enclosed.)

17. WRITTEN MOTION, Councillor Alves, asking that the City Council appoint a Special Committee on Gaming/Casinos, consisting of five (5) members, to work with the Administration, our local State Legislatures, Representatives of the Governor’s Gaming Committee and local advocates, to further explore and to develop, encourage and demonstrate to them the City’s potential and benefits for a Casino to be sited in the City of New Bedford, as well as to note the benefits and advantages our City offers a potential developer, be it our local tribe, a private developer or a combination of both, to push the City forward as a key location for consideration for a Casino in Eastern Massachusetts, and to remind them that the residents on two occasions have voted and encouraged just such a selection; and further, that the maker of the motion seek to schedule meetings of the Committee within the next 30 days, prior to the Governor making a final decision on the matter. (To be referred to the President of the City Council for the Appointment of the Committee Members.)

18. WRITTEN MOTION, Councillor Lawrence, requesting that the Administration, in conjunction with the Bristol County Sheriff's Office, work to remove the graffiti on public and private buildings within the City; further, that the releases necessary for the Sheriff's Department to do such work on private property, be made available through the Mayor's Office and the Council Office to the general public; further, that the owner, of the billboards on Route 18, be notified that they must remove the graffiti on their billboards; and further, that a graffiti-reporting hot line be established, similar to the Mayor's pothole hotline.

19. WRITTEN MOTION, Councillor Alves, requesting that the Commissioner of Inspectional Services contact Sovereign Bank and ask them to take immediate action to clean and remove the excessive trash and debris that is piled up on the sidewalk of the property at 30 Clark Street, which is blocking the sidewalk, providing rodents a place to live, and presenting a danger to children and residents in the neighborhood as well as creating a potential liability to the Sovereign Bank and the City of New Bedford if someone trips due to the trash, or if it should be started on fire by someone passing by.

20. WRITTEN MOTION, Councillor Alves, asking that the Committee on Appointments and Briefings meet with the Principals of the Clarks Cove Development Company, the Chairman, Co-Chairpersons & Representatives of the Portuguese Cultural Center Committee and the Administration to review and discuss the practices, procedures and criteria used to evaluate the past two submissions by said Company received by the City of New Bedford, and to discuss why the two proposals submitted by the Clarks Cove Development Company (the only developer to respond twice) to use the former Goodyear site was denied, in light of the fact the full City Council had previously voted and expressed our interest and support for the site, and the Developers' commitment to provide a Certification at the time of the sale the property that would meet all criteria as outlined in the RFP, and that the sale could/would be contingent upon the removal of the AUL (Activity and Use Limitation) on the property to the satisfaction of the Commonwealth of Massachusetts and the City of New Bedford.

21. WRITTEN MOTION, Councillors Lawrence and Morad, requesting that the "Invest in Kids Program" create a questionnaire, to be distributed to the City's Middle and High Schools, asking them what after-school-hours activities they would like to see happen in New Bedford; and further, that the School Committee grant permission to distribute said questionnaire.

22. WRITTEN MOTION, Councillors Lawrence and Coelho, requesting that the City Council Committee on Ordinances look into the possibility of creating an Ordinance that would apply to those individuals caught picking through litter, trash barrels and garbage bags. (To be referred to the Committee on Ordinances.)

23. WRITTEN MOTION, Councillor Pina, requesting that the Main Line Tire Company, 11 Fort Street, Fairhaven be contacted again, since they continue to be a nuisance to the neighborhood, moving heavy equipment, working in the street, disturbing the entire neighborhood from the hours of 6:00 a.m. to 10:00 p.m. at the location of 680 Acushnet Avenue.

24. WRITTEN MOTION, Councillor Pina, requesting, for the third time, on behalf of Sharon Rochon of 61 Walden Street, that the trees in front of her property be trimmed back, as they are causing damage to her property.
25. WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors, are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.
26. WRITTEN MOTION, Councillor Pina, requesting, on behalf of John Vasconcellos of 688 County Street, that he and this Councillor be allowed to address the Traffic Commission on the issue of a Stop Sign that he has been requesting for a long time, for the corner of Campbell Street and County Street or Willis Street and County Street, in the interest of public safety.
27. WRITTEN MOTION, Councillors Pina and Gonsalves, requesting, on behalf of the residents at 58 Washington Street, that the trash on the sidewalk along Washington Street be cleaned up, and the responsible parties be fined.
28. WRITTEN MOTION, Councillor Lawrence, requesting that the City Council go on record in support of Governor Deval Patrick's plan to assess a safety fee for inmates within the prison system in the Commonwealth of Massachusetts; and further, that this letter also be sent to our local State Delegation stating that the New Bedford City Council supports this initiative, and should it come to a vote, we are requesting that they vote in favor.
29. WRITTEN MOTION, Councillor Gonsalves, Morad, Pimental and Gomes, requesting that the City Council invite the Members of the Board of Health to the next Committee on Appointments and Briefings meeting to discuss our concerns regarding the hiring process for the Director of Health, which has resulted in the hiring/firing and reinstatement of the current Director.
30. PETITION/LIVERY LICENSE, requesting a NEW Private Livery License, under the provisions of General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford, to STEVEN GONZALEZ, Home Address: 45 Nelson Street, 3rd Floor, New Bedford, MA 02744, d/b/a SOUTH END CAR SERVICE, Business Address: 870 Brock Avenue, New Bedford, MA 02744. (Submitted by Councillor Pimental.)
- 30a. AN ORDER,
31. COMMUNICATION/DEMOLITIONS, Danny Romanowicz, Interim DIS Commissioner, to City Council, submitting four (4) BUILDING DEMOLITIONS INITIATED BY CITY OF NEW BEDFORD in accordance to MGL, Chapter 143: Section 9, Dangerous or abandoned structures removed or made safe by local inspection; costs; penalty; use of structure; the following buildings have

been determined by the City as dangerous, unused, uninhabited, open to the weather and represent hazards to the Community and the City of New Bedford seeks to demolish these structures:

1537 ACUSHNET AVENUE

721 SOUTH FIRST STREET

56 COVE STREET

521 PURCHASE STREET

31a. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 1537 ACUSHNET AVENUE, advising that “the structure is NOT located in a National Register Historic District, the structure is NOT architecturally significant,” “rehabilitation is impractical due to the existing condition of the structure,” and that the building is NOT an historically significant building or structure and NOT preferably preserved.

31b. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 721 SOUTH FIRST STREET, advising that “the structure is NOT located in a National Register Historic District, the structure is NOT architecturally significant” and that the building is NOT an historically significant building or structure and NOT preferably preserved.

31c. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 56 COVE STREET, advising that “the structure is NOT located in a National Register Historic District, the structure is NOT architecturally significant” and that the building is NOT an historically significant building or structure and NOT preferably preserved.

31d. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 197 CAMPBELL STREET, advising that “the structure is located in the COUNTY STREET National Register Historic District, the structure is constructed pre-1850 and retains its original form and massing; the structure is in poor condition due to extensive deferred maintenance; Restoration or preservation efforts would be impractical due to the existing condition of the structure” and that the building is an historically significant building or structure, however, due to its current poor condition, the structure is NOT preferable preserved and that it is NOT in the public interest to require preserving the existing structure.

32. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 1035 TACOMA STREET, advising that “the structure is NOT located in a National Register Historic District, the structure is of no notable historic significance, either recorded or found with the existing condition of the structure” and “that the building is NOT an historically significant building or structure, and NOT preferably preserved.”

33. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession: 1 WASHINGTON SQUARE, Plot 36/Lot 149, Area of 4,040 square feet. (Former Owners: Charles T. Flannery & Brian R. Flannery.)

34. COMMUNICATION, Danny D. Romanowicz, Acting Commissioner, Department of Inspectional Services, responding to Motion by Councillor Alves, on January 11, 2007, Agenda, re: 369 Cottage Street Inspection, and noting no violations.

35. COMMUNICATION/ADDENDUM #3, submitted by Purchasing Agent, to City Council, Addendum #3 Questions and Schedule Modification for RFP #924-Fairhaven Mills Sawyer District. (Copy all Councillors 01/12/07.)

36. COMMUNICATION/ADDENDUM #4, submitted by Purchasing Agent, to City Council, Addendum #4 Modification to RFP Language and Proposal Process for RFP #924-Fairhaven Mills Sawyer District. (Copy all Councillors 01/12/07.)

37. COMMUNICATION, THE AMERICAN LEGION, New Bedford Post, Number One, P.O. Box 2064, New Bedford, MA 02741-2064, extending invitation to City Council to join with them in an Ecumenical Service in honor of the "FOUR CHAPLAINS" to be held at Seamen's Bethel, 15 Johnny Cake Hill, New Bedford on SUNDAY, JANUARY 28, 2007, at 2:00 p.m. (Copy all Councillors 01/16/07.)

38. COMMUNICATION, NSTAR ELECTRIC/GAS, to City Clerk, RE: Commonwealth Electric Company, advising that EFFECTIVE JANUARY 01, 2007, that Commonwealth Electric Company has merged with and into Boston Edison Company, which has changed its name to NSTAR Electric Company; also including Articles of Merger Document signed by William Francis Galvin, Secretary of the Commonwealth.

39. COMMUNICATION, TEDESCHI Realty Corporation, to City Clerk, RE: Notice of Zoning Changes, Map/Lot 19-3, 339-371 Bonney Street, Owner: COVE ROAD LLC, requesting that Tedeschi, as owner and/or manager of the referenced property be given notice of any public hearings during the next year for zoning changes affecting said property, in accordance with M.G.L. Chapter 40A, Section 5, - signed by Terrence C. Tedeschi, President.

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire

December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

06/22/06 CITATIONS, Councillor Pina, honoring the Nativity Prep Students: Rashard Perry, Benjamin Lawrence, Emmanuel Barros, Cameron Walker, Steven Wynn, Jeramia Ortiz, Daniel Golda, Jonathan Pethick, Ryan Ewaszko, Taylor Silva, Joshua Argueta, Charles Bettencourt, Armando Giraldo, Steven Sanchez and Daniel Ojuri for their participation in the MABACH (Math-Basketball-Chess) Challenge held at Bishop Stang High School.

07/20/06 CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

08/17/06 CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844th Engineering Battalion, a Heavy Construction Equipment Operator who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004 to December 12, 2005, and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our Country in Operation Iraqi Freedom from September 06, 2005 until July 6, 2006.

08/17/06 RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY’S PASSPORT TO READING DAY IN NEW BEDFORD.

08/17/06 RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.